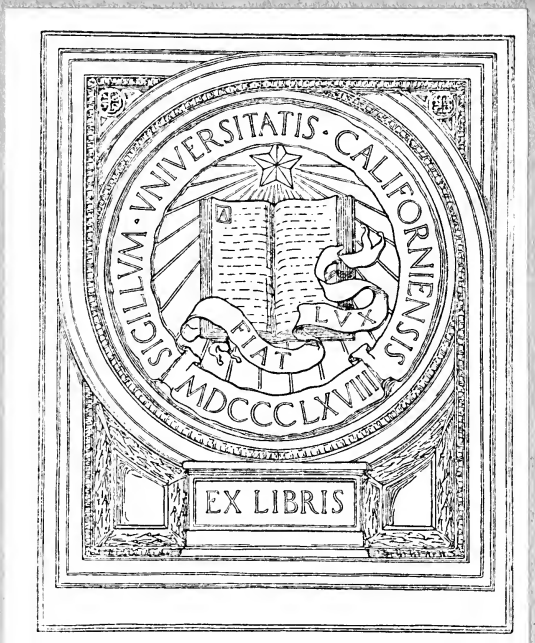

SPEECH

OF

MR. ZOLLICOFFER, OF TENNESSEE,

ON THE

NEBRASKA AND KANSAS BILL.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, May 9, 1854.

The House having under consideration the Kansas and Nebraska bill—

Mr. ZOLLICOFFER rose and said:

Mr. CHAIRMAN: I beg the attention of the committee to a brief argument upon the bill under consideration. A question has been sprung at the very threshold of the discussion on the bill to organize the Territories of Nebraska and Kansas, and it is whether any territorial governments should be organized at all at this time. I have deemed it a duty not to fail to examine this preliminary question. I find that, nearly ten years ago, a bill was introduced into this body proposing to organize the Territory of Nebraska. It appears that the first bill introduced, was brought forward on the 17th December, 1844. In 1845, an amended bill was presented to this body. In 1848, a bill from the Senate was under consideration, and in 1853, this subject was again brought to the attention of Congress.

These facts show that for nearly a full decade, the people interested in this question have been asking the organization of a territorial government for Nebraska—now divided into Nebraska and Kansas. During all this time the people of the adjacent country, of Missouri, and Iowa, and other border States, have asked to have the country thrown open to settlement; and during all this time, our Indian intercouse laws have kept population out of the Territory. My information is, that this is a vast and a fertile country—that there are but a few hundred people there, missionaries, teachers, government agents, soldiers, and others, who have gone there not in conflict with the existing laws. But, at the same time, the reason why this vast country has not been settled is, that the laws of the United States have kept the people out of it.

Sir, I find that while this state of things has existed—while the people have been kept out, and have been steadily petitioning that the laws be relaxed, and territorial goverments be granted them, great highways of travel from the Mississippi valley and the Atlantic States to California and Oregon, have penetrated and passed through this country. The emigrant route from the northern States to California and Oregon passes through the proposed Territory of Nebraska, and the great emigrant route from St. Louis and the southern States passes through the proposed Territory of Kansas.

Now, Mr. Chairman, it does seem to me strange, that whilst the avowed policy of this Government is to offer the public lands as an inducement to emigration into other Territories of the Union, it has not only refused to organize territorial governments for teis country, but these Indian intercourse laws have been continued rigidly in force, keeping population out of it. This is all wrong. This policy should surely be changed. Territorial governments should be organised there, and a thrifty population should be permitted to settle up and occupy these Territories; and to bridge the streams, and feed and protect, from the roving savages, the hundred thousand emigrants who annually pass through these Territories to our western borders.

It has been said that we could not organize these Territories without violating certain Indian titles. But, Mr. Chairman, investigation has, I think, happily dispelled many of the mists which at first hung over and obscured this question. The country has recently been assured, upon the highest official authority, that there is but a solitary Indian tribe within the proposed boundaries of Kansas and Nebraska, with whom we have an existing treaty stipulation in regard to lands; and that is the small tribe of Ottowas, numbering about two hundred persons, owning less than eight miles square of land, and who are not, we are told, opposed to the organization of civil government over them. As to the other Indians within those boundaries, those with whom we have no land treaties, they will be situated just as favorably as are the Indians included within the boundaries of the Oregon Territory, of Minnesota Territory, or of other Territories of the Union—in all of which Indian tribes have been included within the territorial limits. From these difficulties, therefore, Mr. Chairman, my mind has been entirely relieved.

The bill which has been offered as a substitute for the Senate bill, is not just such a bill, in every particular, as I would prefer. I have alluded to the smallness of population at present in these Territories. I would, therefore, prefer that our Government should pursue the policy that has been heretofore pursued with regard to the Northwestern Territory, and other Territories similarly situated—that the *first* form of territorial government should be adopted, until they acquire a population of five thousand inhabitants. Then a second form of government, as already provided for in the bill. All might be provided for in the same

bill. But this is of minor consequence. I regard the main feature of this bill to be that provision which repeals the Missouri act of 1820, which act drew a geographical line through the then entire Territories of the Union, and declared that upon one side of the line slavery should not exist, while it provided no corresponding provision recognizing slavery upon the other side of the line. This act divided the Territories, and established a law which prohibited the people of the South, who owned slaves, from emigrating with their slaves into, and enjoying the privilege of settlement in, one half of the territory belonging to the Union, and which was acquired by the common treasure of the whole people of all the States of the Union, whilst it left open to settlement the whole territory to the people of the North. This I regard as a great inequality, and radically wrong in principle. We are one people, living under the same Constitution, and entitled in all the Territories to equal privileges of occupancy and settlement. The act of 1820 not merely set up this inequality between citizens of the southern and northern States, but it established it "forever." It invaded the rights of the States to be formed out of the territory acquired from France in 1803, by enacting that they should not be permitted to determine for themselves, as the older States do, this great question of domestic policy.

We who support this bill have been charged with a want of "good faith." We have been charged with violating compromises. It is curious, sir, that those who have taken the lead in propagating the ideas that "bad faith" and "violation of compromises" were involved in the repeal, have never themselves kept faith with the constitutional rights of the South, and have never advocated compromises till *now*. Mr. Chairman, I was the warm advocate of the compromise of 1850, and I am the warm adherent to all compromises which have been faithfully adhered to by those with whom I made them. But, sir, it is surprising how the history of that act of 1820 has been misunderstood. The first impression of the country has probably been that it could not be repealed without "bad faith" to the North. I confess that, so far was this my own impression, in the absence of an examination of all facts of history, that I never would have moved to disturb it.

It is difficult, Mr. Chairman, for one unpracticed as I am in public speaking, to discuss the various questions presented in this bill within the time to which I am limited. But I will say here that I have taken pains to examine into the history of the act of 1820, and I am prepared to show that these charges cannot justly rest upon the South. When this question was first presented in the other branch of this Congress, I felt that I, for one, would not have mooted such a question. I was so much averse to agitation—I had so long regarded the act of 1820 as a compromise—I had been so warmly the advocate of compromises, and had so warmly repelled the efforts of the extremists of both the South

and the North, and so litte remembered the true history of the act of 1820, that I would not then have opened a question which it was probable would produce such agitation throughout the country. But I have since carefully ascertained these facts to exist, to wit: that not only was the whole of this territory slave territory from its earliest colonization under France and Spain, but that in the very title paper by which we hold it, this Government, through its treaty-making power, is solemnly pledged to protect the slave property of the territory embracing Kansas and Nebraska. And that is not all, sir. This treaty was made in the spring of 1803. In the fall of 1803 Congress met, and the legislative power of the Government ratified the guarantee made by the treaty-making power, and pledged itself to the protection of slave property in the territory acquired from Louisiana. In 1804, when the Territory of Orleans was organized, this pledge was repeated. In 1805, when the district of Louisiana was separated from the Territory of Orleans, again Congress pledged itself to the policy that slavery should be protected in that Territory. In 1812, when the district of Louisiana was changed into the Territory of Louisiana, this pledge was renewed, and under marked circumstances. Then, sir, for the first time, the question was raised as to slavery in that Territory. Twice did propositions emanate from northern members, proposing the prohibition of slavery, as an amendment to the territorial act of 1812. But, sir, these amendments were voted down by an ovewhelming majority. And in that action Congress proclaimed that which would otherwise have been in some doubt: that they *intended to abide by the pledge made in the treaty of* 1803, *to protect slave property in all that extensive country.* And thus the matter rested until 1820.

In that year the State of Missouri asked for admission into the Union. And then, sir, the anti-slavery party of the North commenced a fearful agitation. Disregarding the pledge of 1803, disregarding the several acts of 1803,–'4,–'5, and '12, confirming the express obligation not to interfere with slave property in this Territory, they suddenly presented a bold and aggressive front, and imperiously demanded of the South that submission to positive aggressions with which the members of this body are now so familiar. As a condition of the admission of Missouri into the Union, they demanded that slavery should be abolished within the borders of that State. And they further demanded that slavery should be abolished in all the remaining territory "forever." This was done; not as a necessary incident to organizing a Territory, but thirty odd years before there was any necessity for organic legislation upon slavery in the Territory. There were then some seventy odd thousand slaves in the Territory acquired from France, which had, down to that day, been recognised and protected by our Government as property. There were, at the same time, ten thousand slaves within the proposed State of Missouri alone. These two demands were both clearly aggressive upon the South, and violative of the statutory and constitutional

rights which had been solemnly guaranteed and long enjoyed. They constituted a sudden and violent departure from the policy which had, down to that time, been pursued towards the Territory.

Well, sir, they produced a fearful struggle, and brought great and immediate danger of dissolution of the Union. But, after a prolonged and excited struggle, the anti-slavery party consented to allow Missouri to protect her slave property, and the South agreed to submit to the anti-slavery restriction in the Territory. It is manifest, Mr. Chairman, that this submission was brought about by wearied and worn down resistance, by dread of disunion, and by a sincere desire for peace and good fellowship with our northern brethren. The overtures of compromise came from the North, and were accepted by, and finally urged by the South. The first proposition of compromise came from Mr. Taylor, of New York, (an anti-slavery man,) which was rejected; and the next, which was accepted, from Mr. Thomas, of Illinois. Yes, the South accepted. As a frank and candid man, I desire to admit the facts of history. If I understand this history correctly, the Representatives of the South in the House of Representatives and in the Senate of the United States, did even urge upon the Representatives of the North to agree to the terms of the compromise. And if there was a compromise made—and I maintain that there was—the terms certainly were that Missouri should be admitted into the Union with slavery or without it, as the people thereof might determine, and that the anti-slavery restriction should be applied to all the remaining territory which lies north of the line of 36° 30′.

Such were the terms of that compromise, and if they had been adhered to by the North, I would have been the last man, under any state of circumstances, to have disturbed it. But, sir, let gentlemen take the pains to examine the history of the legislation of the country, and they cannot fail to see, and to be convinced, that the terms of the compromise of 1820 have never, from that day to this, been regarded by the anti-slavery party of the North.

No, sir; never. This compromise was made in March, 1820. In the autumn following, Congress again met, and in the mean time the people of Missouri had adopted a State constitution in exact conformity to the terms of the compromise—a constitution protecting that slave property, which had ever been respected by the Federal Government, from the date of the acquisition of the Territory down to that day.

Well, sir, opposition was at once made to the admission of the State of Missouri with this clause in her constitution. It was first made upon the ground that a provision was contained in her constitution prohibiting the introduction of free negroes within the borders of the State. But, as Mr. Benton remarks, in his "Thirty Years in the Senate," this was a mere pretext, a mere "mask to the real cause of opposition," the nature of which I shall endeavor to show in the course of these remarks.

Mr. Chairman, on the 29th day of November, 1820, the Committee on Territories reported in the Senate, that the constitution of Missouri had been adopted in exact accordance with the compromise of 1820; and near the same time, a similar report was made by the Committee on Territories in this House. But this turned out to be the mere commencement of another and a three months' struggle, still more fearful than that of 1820. Mr. Mallory, a Representative from Vermont, moved to amend the bill by the insertion of a provision prohibiting slavery within the limits of the State. Upon that amendment the fight was fiercely made; and upon that amendment the Journals of Congress show that the members of the House from the North voted, by a majority of nearly two to one, to exclude Missouri from the Union, unless she would abolish slavery within her boundaries. Yes, the Journals of the House show that upon three several occasions, upon the yeas and nays, Missouri was voted out of the Union, pending this struggle for the prohibition of slavery. And all this after the compromise of 1820!

Now, sir, think of these facts. This compromise of 1820 was forced upon the South. The South accepted it for the sake of peace, for the sake of union and good fellowship with our northern brethren. Her Representatives voted for it, having confidence in the "good faith" of the North, and believing that in setting up the geographical line of 36° 30', they had established a wall of safety, beyond which no further aggression could be made upon their constitutional rights. In the face of these facts, the North violated the compromise within a year after it was made. And when I say North, I wish to be distinctly understood as meaning the anti-slavery portion of the North; for there are thousands and tens of thousands of patriotic men there who are national in their sentiments, and who have ever stood by the South in defence of their just constitutional rights.

Let me ask if it was not the solemn duty of the Representatives of the North to stand by the terms of this compromise? Yet, they did not do it. The compromise fell to the ground, and Missouri never did come into the Union under the compromise of 1820. Let this fact be borne in mind. There was *another* compromise forced upon the South in 1821, after the long struggle I have described—after the northern States had all passed resolutions violative of the compromise of 1820, and after the southern States had all passed resolutions sustaining that compromise—yes, after the Union was brought to the very verge of dissolution. And, under this second compromise, or compromise of 1821, imposing new and humiliating conditions, Missouri did come into the Union.

I know that it has been said on this floor that the compromise of 1820 was not violated by the North in 1821; that the resistance to the admission of Missouri in 1821 was merely on account of the *free negro* prohibition clause in her constitution, and *not* because her constitution admitted slavery. This has been said

by gentlemen from the South, and by some for whom I have the kindest personal regard, and I can but attribute it to the fact that they have not taken the pains to look into the facts of the history of that compromise. The record shows, that on the 12th of February, 1821, Mr. Mallory, of Vermont, moved, in the House of Representatives, to amend the resolution admitting Missouri by providing as conditions of her admission, not only that her people should adopt a constitution *in conformity* with the provisions of the act of 1820, but "*in addition to said provisions, further (to) provide, in and by said constitution, that neither slavery nor involuntary servitude shall ever be allowed in said State of Missouri,*" &c. And for *this* amendment, sixty-one northern men voted, while but thirty-three were against it, nearly *two to one.* (See House Journal, page 221.) So, sir, it is unquestionably true, that a large majority of the northern Representatives did, in 1821, in violation of the compromise of 1820, vote to keep Missouri out of the Union unless she would prohibit slavery.

And this is not all. In 1836, when Arkansas claimed admission into the Union, what facts do we discover? I have heard a speech of Mr. Adams quoted here. I do not know how that speech gets to the public. It may come surreptitiously, for it does not accord with the record evidence of his course in 1836. On the 8th day of June, 1836, Mr. Adams, in his place here, "stated (as reported in the Congressional Globe of that year, p. 429) "that when the *Arkansas* bill come into the House, *if no one else would move the* RESTRICTION OF SLAVERY, *he should.* And, sir, the next day Mr. Slade, of Vermont, taking him at his word, did offer an anti-slavery amendment to the bill admitting Arkansas into the Union. Here is the record, as found in the Congressional Globe of that year, p. 434:

"Mr. SLADE offered the following amendment:

"After the words in the first section, 'that the State of Arkansas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union, on an equal footing with the original States, in all respects,' add, 'whenever the people of said State shall, by a convention duly elected, expunge from its present constitution, so much thereof as prohibits the General Assembly from passing laws for the emancipation of slaves without the consent of the owners; and *shall also provide, in and by said constitution, that no negro or mulatto born in, or brought into, said State, after its admission into the Union, shall be held or transferred as property, or in any way subjected to slavery or involuntary servitude,* unless in punishment for crimes committed against the laws of said State, whereof the party accused shall be duly convicted.'"

This amendment was voted down without a count. But upon the final vote admitting Arkansas, forty-nine northern men voted to keep her out of the Union. Now, sir, Arkansas was a part of the territory acquired from France in 1803, lay south of 36° 30', and if there was any thing in the "compromise" of 1820, if there was any thing in good faith, Arkansas, as Missouri in 1821, ought, in all justice and fairness, to have been admitted into the Union without the annoyance of this slave question. Yet, now, even southern Representatives, oblivious of such facts as I have exhibited, have fallen into the great error of asserting that the

North have never disregarded that compromise. Why, sir, the debates upon that Arkansas bill show the then temper of anti-slavery men of the North. I will give one specimen. Mr. Hard, of New York, on the day Mr. Slade offered his anti-slavery amendment, said:

"Sir, the decision we make upon this bill will carry with it the interesting result of *conferring liberty or perpetuating slavery to millions of human beings yet unborn.* Yes, sir, the decision we make this morning, with sleepless eyes and debilitated bodies, will proclaim through your journals to the world and posterity whether the Representatives of the people of this far-famed Republic, the collected guardians of civil liberty and the rights of man, have the virtue and patriotism to defend and carrry out the sound maxims that form the true basis of this excellent form of Government, or whether, for the sake of advancing the interests of a miserable partisan policy, they will *sacrifice both the honor and liberty of their country by entailing upon the freemen of a soverign State the interminable institution of slavery.*

"*There is no compact existing between the General Government and any of the new States or the Territory of Arkansas*, whereby it has conceded to them the right to barter in human flesh; and I am determined, while I have the honor of a seat on this floor, *never to give my vote for a measure that will sanction or permit such a gloomy practice.*"

And thus, sir, the anti-slavery men have repudiated that compromise in all subsequent issues.

Here, while the thought occurs to me, I will remark that one of my friends, for whom I have the kindest feelings—I allude to General CULLOM, of Tennessee—has assumed that the southern Representatives, including those from Tennessee, who, in 1820, voted for this compromise, have been charged with compromising the interests of, and acting in bad faith to, the South. Now, I have never so charged them. I have never heard them so charged.

Mr. CULLOM, (interrupting.) My honorable colleague a little misapprehends the drift of my remarks upon that point. My argument was, that the allegation that the compromise of 1820 was a gross surrender of southern rights, was an indirect imputation upon the patriotism of the men of that day. It has been repeatedly charged upon this floor, as is well known to the House, that the compromise of 1820 was a base or gross surrender of southern interests.

Mr. ZOLLICOFFER. I am satisfied with that explanation. I am satisfied that the Representatives from Tennessee in 1820 were opposed to the restriction. That is the recorded position of Mr. Rhea, of Tennessee. The others do not seem to have put upon record the reasons for their course. I take it for granted, however, that they were opposed to the restriction on the territory north of 36° 30′, but agreed to it in a spirit of peace, with a view to prevent further aggressions from the people of the North, and to save the Union, which was then in imminent danger. But, sir, thus conceding, as they did, the right of equality in the settlement of the public territory of the country north of 36° 30′, under the demands of the North, was it not eminently due to them, on the part of the anti-slavery men of the North, that they should themselves regard the terms of that compromise, or the consideration for which that concession was made? They have never done so. In 1821, as I have shown, they repudiated it. In 1836

they repudiated it; and I believe that those are the only instances in which territories south of 36° 30′, within the country acquired from France in 1803, have asked admission into the Union. In 1845, when Texas came in, there were terms agreed to by which the line of 36° 30′ was *extended* through that territory. But mark you, even then the anti-slavery men of the North declared, at the outset of that controversy, that they would never agree to the admission of another slave State; they demanded that free-soilism should be extended down to the Gulf of Mexico; and even Mr. Heywood, of North Carolina, was driven to the strait of proposing a line of division far south of 36° 30′—I believe on the 34th° of latitude. Ultimately the national sentiment of the country triumphed, the people of the South rallied against northern encroachments, and the line of 36° 30′ was extended through the territory acquired from Texas.

From that day to this, in every question that has been presented in regard to the acquisition of territory, anti-slavery men have repudiated the binding efficacy of the compromise of 1820, as to the extension of territory. They have felt themselves at liberty to avow, and they have openly avowed, in all the issues which have arrisen since the act of 1820, never to consent to the acquisition of another slave State, but are determined, whenever they have the power to do so, to push free-soilism down to the Gulf of Mexico, and to the Pacific ocean. But, sir, they have not got the power to surround us with a cordon of free States, and then when they get the constitutional majority of free States, change the Constitution, and abolish slavery in all the States. Thanks to that sense of national justice and equality which pervades a large body of the people in the North, the national men of the North, added to the South, are in the majority, ever have been, and ever will be, while right and justice are on our side. For thirty-four years the anti-slavery men who are warring upon us, have claimed to be foot-loose and unbound by the act of 1820, and now, I ask, if it is not time we should also be foot-loose from a compromise in which we made a great concession for peace and quiet, which have never been granted us? For one, I have never been the advocate of the line of 36° 30′. For one, I have always believed with Mr. Clay—for that is Mr, Clay's position, as declared in his speech of March, 1850—that if you draw a geopraphical line through the Territories of the Union, thereby declaring that upon one side of that line slavery shall not exist, it is but justice to declare, also, that slavery shall be recognised upon the other side of that line. But that has not been done. While the act of 1820 proscribes and heads off southern men from all the territory north of 36° 30′, northern men have the unrestricted liberty to settle with their property, in any part of all the territory north or south of that line.

Mr. Clay then said:

"Sir, while I was engaged in anxious consideration on this subject, the idea of the Missouri compromise, as it has been termed, came under my review, was considered

by me, and finally rejected, as in my judgment less worthy of the common acceptance of both parties of this Union than the project which I offer to your consideration.

"I put it to gentlemen from the South, are they prepared to be satisfied with the line of 36° 30′, interdicting slavery north of that line, and giving them no security for the admission of slavery south of that line?" * * * * "It is interdiction upon the one side, with no corresponding provision for its admission on the other side of the line of 36° 30′."

He urged the principle of the compromise of 1850—non-intervention with the prohibition of slavery in the Territories—*in contradistinction* to the line of 36° 30′, which was urged by some extreme southern men, and the Nashville Convention; and *such was then the fight in the Southern States.* Mr. Clay said in 1850:

"It was high time that the wounds which the Wilmot proviso had inflicted should be healed up and closed; and that to avoid, in all *future time*, the agitation which must be produced by the conflict of opinion on the slavery question, the *true principle which ought to regulate* the action of Congress in forming territorial governments for each newly-acquired domain, is to *refrain from all legislation on the subject in the territory acquired, so long as it retains the territorial form of government.*"

And here, sir, let me remark, that in his speech in March of that year, he clearly shows that it was not the broken compromise of 1820, but that of 1821, of which he was the author. Some honorable gentleman from the South, opposing this bill, have fallen into error in this particular. Let the honorable member from Missouri, (Mr. BENTON,) who also opposes the bill, set them right. In his recently published book, called "Thirty Years in the Senate," he says:

"Mr. Clay has been often complimented as the author of the 'compromise' of 1820, in spite of his repeated declaration to the country, that measure coming from the Senate; but he is the undisputed author of the final settlement of the Missouri controversy in the actual admission of the State."

I am wholly unaccustomed to speaking within a limited time, and I find that I shall be utterly unable to embrace in my hour all the arguments I had intended to make, there being so many points involved in the discussion of this subject to which I ought, in justice to myself allude. My object is to place upon the record my opinions with regard to the main questions involved in this bill, so that they shall be open to the inspection of those who sent me here. I regret that I shall be compelled to pass over many points entirely, as I find that I have not time to do them justice.

It has been assumed that this bill embraces the principle of squatter sovereignty in its provisions. Squatter sovereignty has been defined to embrace the right of the people of a Territory, or of a Territorial Legislature, before they assemble in convention to form a State constitution, to frame an organic law prohibiting slavery. If that is squatter sovereignty, I am opposed to it. I believe when this territory was acquired from France, that all the sovereignty which France held in it was transmitted to our Government, *according to our constitution, State and national.* It passed to the General Government, or to the State governments, or became residuary with the people of the States who framed, and can at any time alter both these forms of government, State and Federal. So much of it passed to the General Government

as that Government—being a limited sovereignty—could rightfully exercise under the Constitution. That instrument gives to Congress no other power over the territory of the Union (which it here treats as property) than to "make all *needful* rules and regulations respecting" it. In exercising that power Congress cannot legitimately push it to the extent of prescribing to the citizens of the States inequality of right of settlement, in territory which is the common property of all the people of all the States of the Union. It cannot rightfully push it to the extent of setting up an organic law hostile to the institutions of half the States of the Union. That portion of the supreme power, or sovereignty, which France (an unlimited sovereignty) held, which is competent to do this—to prescribe for States yet to be formed out of the territory, *organic law regulating forever their domestic institutions*—lies *dormant* until the *people* come to *act for themselves in framing State constitutions*, and then it *passes to them.* If Congress, then, has not the power to do this, it cannot give to a Territorial Legislature the power to do it. The Territorial Legislature can exercise no powers of sovereignty which Congress do not confer upon them. I believe that the people of a Territory should have conferred upon them all the rights of sovereignty over their domestic affairs, which Congress can rightfully confer upon them *in accordance with the limitations in the Constitution of the United States.* This the bill before us does, and nothing more. It cannot be shown that it confers upon the Territorial Legislature the power to prohibit slavery, without showing that the Constitution gives us no protection against such an act; for it expressly limits the grant of power to the sanctions of the Constitution. I am aware that some of the friends of the bill think that what I regard as exceptionable in squatter sovereignty is embraced in the bill. Still, the large majority think with me; and I cannot consent to lose the chance of repealing the unjust act of 1820 because some fancy that they see squatter sovereignty in the bill. A portion of the opponents of the bill North admit that it does not sanction squatter sovereignty. Mr. CHASE, of Ohio, moved in the Senate this amendment to the bill:

"Under which the people of the Territory, through their appropriate representatives, may, if they see fit, prohibit the existence of slavery therein."

The vote upon it was as follows:

"YEAS—Messrs. Chase, Dodge of Wisconsin, Fessenden, Fish, Foot, Hamlin, Seward, Smith, Sumner, and Wade—10.

"NAYS—Messrs. Adams, Atchison, Badger, Bell, Benjamin, Brodhead, Brown, Butler, Clay, Clayton, Dawson, Dixon, Dodge of Iowa, Douglas, Evans, Fitzpatrick, Gwin, Houston, Hunter, Johnson, *Jones* of Iowa, Jones of Tennessee, Mason, Morton, *Norris, Pettit,* Pratt, Rusk, Sebastian, *Shields,* Slidell, *Stuart, Toucy, Walker, Weller, and Williams*—36.

The National Era, the Abolition organ, says it is "nonsense" to say that the bill embraces squatter sovereignty—adding:

"The Senate voted down two distinct propositions to fasten this doctrine of squatter sovereignty on the bill—and General Cass himself voted against them. The passage of the bill was simply the triumph of non-intervention—that is, non-intervention by Congress or the Territorial Legislature, against the introduction of slavery into Nebraska."

It has been said that there is nothing of practical good to be accomplished by this bill. But an honorable member from Vermont, (Mr. MEACHAM,) who opposes this bill, tells us: "You may declare that slavery cannot go there because of climate and production: but I will put it to an honest and practical test. The Missouri delegation are men of great ability and integrity; they are on the borders, and can express their own opinion. If any man representing Missouri believes that slavery will not go to Kansas, on the passage of this bill, I now invite him to say so. No denial. Why should it not go there as well as to Missouri, on the same parallel of latitude?"

The southern boundary of Kansas is but a half degree north of the north boundary of Tennessee. I will not now detail my reasons, but I have strong faith that *Kansas will become a slave State.* We owe it to Missouri to give Kansas a chance. Missouri is now bounded by free States on two sides. If Kansas becomes a free State, bounding her on a third side, it will be difficult for Missouri to prevent her negroes being decoyed off by Abolitionists. Will her appeal be disregarded by southern men? I trust not.

The bill as now offered omits the Clayton amendment as incorporated in the Senate bill. I am myself an advocate of the Clayton amendment; and I should prefer that it were retained in the bill. But this does not seem to me an insuperable objection. The Clayton amendment restricts the right of suffrage to the citizens of the United States. I have looked to see what has been the usage of the Government in this respect in organizing Territories heretofore. I find that the usage has been variant. In organizing the first Territory northwest of the Ohio, citizens, and those who were not citizens, were permitted to vote. This, too, was the case in the Southwestern Territory—a Territory which finally became the State of Tennessee. It was so in the Indiana Territory, in that of Louisiana, in that of Mississippi, of Alabama, of Missouri, and of Wisconsin.

But there have been other instances in conflict with this practice. In the Territories of Arkansas, Iowa, Utah, and Oregon, citizens alone were permitted to vote. In Minnesota Territory—and this is worthy of note, as Minnesota was formed out of this very territory which was acquired in 1803, at the time Kansas and Nebraska were acquired—citizens, and those who were not citizens, were permitted to vote, the conditions being precisely such as are proposed in this bill.

The practice of the Government, then, has been variant. In all the old States, which were preceded by territorial governments, the right of suffrage was not restricted to citizens. At a subsequent time that rule was altered, and the latest practice of the Government has been to permit both citizens, and those who are not citizens, to exercise the right of suffrage in the Territories.

An argument employed against the bill by gentlemen for whose opinions I have great respect, is, that the opening of this question has brought about an agitation in the country which is

much to be deprecated. Now, in view of what we have witnessed here this session, and heretofore, how are we to avoid agitation? In this particular measure we are merely asking for our rights—our constitutional rights. We are asking for no infringement of the rights of the North. The Territories must be organized, and we are for organizing them in accordance with the principles of the Compromise of 1850—congressional non-intervention with the prohibition of slavery. We are for withdrawing Federal intervention with a question which belongs to the people of the States. And for this we are charged with getting up agitation. Why, have you not witnessed, in the opening of this session, before this bill was introduced, yes, before it was thought of, speeches made here, agitating slavery in its most aggravated form?

I think it was on the 20th of December last, that a Representative from New York (Mr. GERRIT SMITH) made an abolition and anti-slavery speech, as agitating and as disturbing in its character, as annoying to the people of the south, as threatening to the rights enjoyed under the Constitution, as any speech which has been made since this question was introduced. He characterized this Government as a "despotism" worse than an Austrian despotism, and animadverted upon the "hypocrisy" of the American people, because they own slaves. He hinted at the possibility of a "terrible retribution" some day falling upon those who are responsible for it, and this inflammatory harrangue was indulged in without provocation by any movement in this body. The still more offensive language of another member from the North, (Mr. GIDDINGS,) I will not quote. Other members from the North tell us frankly that we cannot get rid of slavery agitation, that they will never be satisfied, that they will never allow us to have peace until slavery is abolished throughout the Union. I will quote a single example. A Senator from Massachusetts, (Mr. SUMNER,) says:

"And, sir, permit me to say, frankly, sincerely, and earnestly, that the subject of slavery can *never be withdrawn from the national politics*, until we return once more to the original policy of our fathers, at the first organization of the Government, under Washington, when the national ensign *nowhere on the national territory covered a single slave*."

"The discussion will proceed. The devices of party can no longer stave it off. The subterfuges of the politician cannot escape it. The tricks of the office-seeker cannot dodge it. Wherever an election occurs, there this question will arise. Wherever men come together to speak of public affairs, there again will it be. No political Joshua now, with miraculous power, can stop the sun in his course through the heavens. It is even now rejoicing, like a strong man to run its race, and will yet send its beams into *the most distant plantations—ay, sir, and melt the chains of every slave*."

Now, Mr. Chairman, with statements like these before us, what does this charge upon us of agitation amount to? We have been threatened that if we pass this bill, we shall run the risk of danger from further encroachments upon the rights of the South, of the repeal of the fugitive slave law, &c. Mr. Chairman, those gentlemen who make these threats, have always been ready

to repeal the fugitive slave law. They have always been ready to resist the introduction of new States into the Union, unless with congressional interference with slave property. Whether you pass this bill or not, will not change their intentions.

At the last session of Congress, a proposition was made to repeal the fugitive slave law. The men who voted for it are prominent leaders in opposition to this bill, and are now charging the South with bad faith, and a violation of a compromise. Sir, the South violates no compromise which has been observed as a compromise by the North. The South does not now propose, and never has proposed, any encroachment upon the rights of the North. We are for abiding by all compromises fairly made and carried out; we are for abiding by the compromises of the Constitution, which guarantees to the South equality of rights in the public territories. A constitution, sir, which found slavery already in the States—a Constitution adopted by slave States and by anti-slavery States, and which should therefore not be used as an instrument to break down the one and build up the other.

But, sir, I have been told that this is a Democratic measure, and that, as such, I ought not to support it. I am a Whig, Mr. Chairman; and the prime and vigor of my life have been devoted to the promotion of the principles of the Whig party. I have regarded the Whig party as the great national conservative party of the Union.

There is nothing that I would not do for the success of such a party. But why is this a Democratic measure? Why a Whig measure? Why a party measure at all? What is there in it that should array those who call themselves Whigs on the one side, and those who call themselves Democrats on the other? I feel that the Whig party, to which I am attached, have sometimes been in danger of committing great errors in permitting their political opponents, when new questions are presented, to *take choice of sides*, and then for the sake of *opposition*, consenting to place themselves upon the *wrong side of the question*.

It was accidental that Senator Douglas was chairman of the Committee on Territories, and in virtue of his position had to present the territorial bills from that committee. His first Nebraska bill was altogether and essentially a different bill from the one now before us. The bill which passed the Senate was matured by the joint labors of Whig and Democratic Senators, and it is notorious that Senator Dixon, of Kentucky, a sound national Whig, brought forward the first amendment striking directly at the repeal of the anti-slavery restriction of 1820. From the beginning to the end, the great body of Whig Senators and Representatives from the South have been the true and steadfast friends of the bill. But on such a question, Whigs, Democrats, and national men, North and South, should stand together.

There are, doubtless, many patriotic and national men opposing this bill; but, sir, it is a striking fact that all the Abolitionists are against it. All the men who have "spit upon" compro-

mises—all the Freesoilers—all those who have broke faith with the constitutional rights of the South, in all times past, when they felt that they could strike at us fatally, are against the bill. I have sometimes heard of southern men saying that the bill promoted "freedom," meaning *Freesoilism*, and was a fraud upon the *South*, &c. How does it happen that the anti-slavery men of the North have never found this out? How does it happen that sound men of the North, who have stood by us in the perils of 1850, and in the other slavery agitations, and the great body of southern Senators and Representatives, Whigs and Democrats, who have laboriously examined it in all its details, have never found it out?

I have heard occasionally of southern men speaking of the bill as of *no consequence* to the South, and insinuating that those who give it an earnest support, are overreached, &c. It is lamentable that southern men can be found so to regard it. I must believe that they do so without a proper understanding of the true nature of the struggle now going on here. In my judgment the bill is eminently sound and national, and of vital importance to the South; that if it passes, all agitation will soon quiet down as it did after the fanatical Wilmot proviso excitement of 1848, and again after the struggle of 1850; that if it fails, (the Territories remaining without organization,) the question will be, of course, an open one, coming up in the next Congress, and in the next presidential election with gathering force, until justice is finally conceded to the South, and the national sentiments of the bill are established triumphantly. It cannot be that any portion of the South can long co-operate with such deadly enemies of our constitutional rights as will compose the great body of those who will hereafter conduct the northern movements and manoeuvers against the bill. It would be a great misfortune should a few southern votes turn the scale against the South, and thus keep the question open.